

House Bill 1400 (AS PASSED HOUSE AND SENATE)

By: Representative Hanner of the 148<sup>th</sup>

A BILL TO BE ENTITLED

AN ACT

1 To provide a new charter for the Town of Sasser in Terrell County; to provide for  
2 incorporation, boundaries, and powers of the town; to provide for a governing authority of  
3 such town and the powers, duties, authority, election, terms, vacancies, compensation,  
4 expenses, qualifications, prohibitions, conflicts of interest, and suspension and removal from  
5 office relative to members of such governing authority; to provide for inquiries and  
6 investigations; to provide for oaths, organization, meetings, quorum, voting, rules, and  
7 procedures; to provide for ordinances and codes; to provide for a mayor and mayor pro  
8 tempore or vice mayor and certain duties, powers, and other matters relative thereto; to  
9 provide for administrative affairs and responsibilities; to provide for boards, commissions,  
10 and authorities; to provide for a town attorney, a town clerk, and other personnel and matters  
11 relating thereto; to provide for rules and regulations; to provide for a municipal court and the  
12 judge or judges thereof and other matters relative to those judges; to provide for the court's  
13 jurisdiction, powers, practices, and procedures; to provide for the right of certiorari; to  
14 provide for elections; to provide for taxation, licenses, and fees; to provide for franchises,  
15 service charges, and assessments; to provide for bonded and other indebtedness; to provide  
16 for auditing, accounting, budgeting, and appropriations; to provide for town contracts and  
17 purchasing; to provide for the conveyance of property and interests therein; to provide for  
18 bonds for officials; to provide for prior ordinances and rules, pending matters, and existing  
19 personnel; to provide for penalties; to provide for definitions and construction; to provide for  
20 other matters relative to the foregoing; to repeal a specific Act; to provide for an effective  
21 date; to repeal conflicting laws; and for other purposes.

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**ARTICLE 1****INCORPORATION AND POWERS****SECTION 1.10.****Incorporation.**

This town and the inhabitants thereof are incorporated by the enactment of this charter and are hereby constituted and declared a body politic and corporate under the name and style Town of Sasser, Georgia, and by that name shall have perpetual succession.

**SECTION 1.11.****Corporate boundaries.**

(a) The boundaries of this town shall be those existing on the effective date of the adoption of this charter with such alterations as may be made from time to time by local law or in the manner provided by general state law. The boundaries of this town at all times shall be shown on a map to be retained permanently in the Town of Sasser town hall and to be identified by the town clerk as "Official Map of the Corporate Limits of the Town of Sasser, Georgia." A photographic, typed, or other copy of such map or description certified by the Town of Sasser shall be admitted as evidence in all courts and shall have the same force and effect as the original map or description.

(b) The town council may provide for changes in Appendix A by ordinance to reflect lawful changes in the corporate boundaries.

**SECTION 1.12.****Power and construction.**

(a) This town shall have all powers possible for a town to have under the present or future Constitution and laws of this state as fully and completely as though they were specifically enumerated in this charter. This town shall have all the powers of self-government not otherwise prohibited by this charter or by general law.

(b) The powers of this town shall be construed liberally in favor of the town. The specific mention or failure to mention particular powers shall not be construed as limiting in any way the powers of this town.

**SECTION 1.13.**

## Specific powers.

The specific powers of the town shall include, but are not limited to, the following:

(1) Animal regulations. To regulate and license or to prohibit the keeping or running at large of animals and fowl and to provide for the impoundment of same if in violation of any ordinance or lawful order; to provide for the disposition by sale, gift, or humane destruction of animals and fowl when not redeemed as provided by ordinance; and to provide punishment for violation of ordinances enacted under this charter;

(2) Appropriations and expenditures. To make appropriations for the support of the government of the town; to authorize the expenditure of money for any purposes authorized by this charter and for any purpose for which a municipality is authorized by the State of Georgia; and to provide for the payment of expenses of the town;

(3) Building regulations. To regulate and to license the erection and construction of buildings and all other structures; to adopt building, housing, plumbing, electrical, gas, and heating and air conditioning codes; and to regulate all housing and building trades;

(4) Business regulation. To levy and to provide for the collection of regulatory fees and taxes on privileges, occupations, trades, and professions as authorized by Title 48 of the Official Code of Georgia Annotated or other such applicable laws as are or may hereafter be enacted; to permit and regulate the same; to provide for the manner and method of payment of such regulatory fees and taxes; and to revoke such permits after due process for failure to pay any town taxes or fees;

(5) Condemnation. To condemn property, inside or outside the corporate limits of the town, for present or future use and for any corporate purpose deemed necessary by the governing authority, utilizing procedures enumerated in Title 22 of the Official Code of Georgia Annotated or such other applicable laws as are or may hereafter be enacted;

(6) Contracts. To enter into contracts with other governmental entities and with private persons, firms, and corporations;

(7) Emergencies. To establish procedures for determining and proclaiming that an emergency situation exists within or without the town, and to make and carry out all reasonable provisions deemed necessary to deal with or meet such an emergency for the protection, safety, health, or well-being of the citizens of the town;

(8) Environmental protection. To protect and preserve the natural resources, environment, and vital areas of the state through the preservation and improvement of air quality, the restoration and maintenance of water resources, the control of erosion and sedimentation, the management of solid and hazardous waste, and other necessary actions for the protection of the environment;

(9) Fire regulations. To fix and establish fire limits and from time to time to extend, enlarge, or restrict the same; to prescribe fire safety regulations not inconsistent with general law, relating to both fire prevention and detection and to firefighting; and to prescribe penalties and punishment for violations thereof;

(10) Garbage fees. To levy, fix, assess, and collect a garbage, refuse, and trash collection and disposal and other sanitary service charge, tax, or fee for such services as may be necessary in the operation of the town from all individuals, firms, and corporations residing in or doing business therein benefiting from such services; to enforce the payment of such charges, taxes, or fees; and to provide for the manner and method of collecting such service charges;

(11) General health, safety, and welfare. To define, regulate, and prohibit any act, practice, conduct, or use of property which is detrimental to health, sanitation, cleanliness, welfare, and safety of the inhabitants of the town and to provide for the enforcement of such standards;

(12) Gifts. To accept or refuse gifts, donations, bequests, or grants from any source for any purpose related to powers and duties of the town and the general welfare of its citizens, on such terms and conditions as the donor or grantor may impose;

(13) Health and sanitation. To prescribe standards of health and sanitation and to provide for the enforcement of such standards;

(14) Jail sentences. To provide that persons given jail sentences in the town's court may work out such sentences in any public works or on the streets, roads, drains, and other public property in the town; to provide for commitment of such persons to any jail; or to provide for commitment of such persons to any county work camp or county jail by agreement with the appropriate county officials;

(15) Motor vehicles. To regulate the operation of motor vehicles and exercise control over all traffic, including parking upon or across the streets, roads, alleys, and walkways of the town;

(16) Municipal agencies and delegation of power. To create, alter, or abolish departments, boards, offices, commissions, and agencies of the town and to confer upon such agencies the necessary and appropriate authority for carrying out all the powers conferred upon or delegated to the same;

(17) Municipal debts. To appropriate and borrow money for the payment of debts of the town and to issue bonds for the purpose of raising revenue to carry out any project, program, or venture authorized by this charter or the laws of the State of Georgia;

(18) Municipal property ownership. To acquire, dispose of, lease, and hold in trust or otherwise any real, personal, or mixed property, in fee simple or lesser interest, inside or outside the property limits of the town;

(19) Municipal property protection. To provide for the preservation and protection of property and equipment of the town and the administration and use of same by the public; and to prescribe penalties and punishment for violations thereof;

(20) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose of public utilities, including but not limited to a system of waterworks, sewers and drains, sewage disposal, gas works, electric light plants, cable television and other telecommunications, transportation facilities, public airports, and any other public utility; to fix the taxes, charges, rates, fares, fees, assessments, regulations, and penalties; and to provide for the withdrawal of service for refusal or failure to pay the same;

(22) Nuisance. To define a nuisance and provide for its abatement whether on public or private property;

(23) Penalties. To provide penalties for violation of any ordinances adopted pursuant to the authority of this charter and the laws of the State of Georgia;

(24) Planning and zoning. To provide comprehensive planning for development by zoning and to provide subdivision regulations and the like as the town council deems necessary and reasonable to insure a safe, healthy, and aesthetically pleasing community;

(25) Police and fire protection. To exercise the power of arrest through duly appointed police officers and to establish, operate, or contract for a police and a fire-fighting agency;

(26) Public hazards: Removal. To provide for the destruction and removal of any building or other structure which is or may become dangerous or detrimental to the public;

(27) Public improvements. To provide for the acquisition, construction, building, operation, and maintenance of public ways, parks and playgrounds, recreational facilities, cemeteries, markets and market houses, public buildings, libraries, public housing, airports, hospitals, terminals, docks, parking facilities, or charitable, cultural, educational, recreational, conservation, sport, curative, corrective, detentional, penal, and medical institutions, agencies, facilities; to provide any other public improvements inside or outside the corporate limits of the town; and to regulate the use of public improvements; and, for such purposes, property may be acquired by condemnation under Title 22 of the Official Code of Georgia Annotated or such other applicable laws as are or may hereafter be enacted;

(28) Public peace. To provide for the prevention and punishment of drunkenness, riots, and public disturbances;

(29) Public transportation. To organize and operate such public transportation systems as are deemed beneficial;

(30) Public utilities and services. To grant franchises or make contracts for or impose taxes on public utilities and public service companies; and to prescribe the rates, fares, regulations, and standards and conditions of service applicable to the service to be provided by the franchise grantee or contractor, insofar as not in conflict with valid regulations of the Public Service Commission;

(31) Regulation of roadside areas. To prohibit or regulate and control the erection, removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings, and any and all other structures or obstructions upon or adjacent to the rights of way of streets and roads or within view thereof within or abutting the corporate limits of the town; and to prescribe penalties and punishment for violation of such ordinances;

(32) Retirement. To provide and maintain a retirement plan for officers and employees of the town;

(33) Roadways. To lay out, open, extend, widen, narrow, establish, or change the grade of, abandon or close, construct, pave, curb, gutter, adorn with shade trees, or otherwise improve, maintain, repair, clean, prevent erosion of, and light the roads, alleys, and walkways within the corporate limits of the town; to grant franchises and rights of way throughout the streets and roads and over the bridges and viaducts for the use of public utilities; and to require real estate owners to repair and maintain in a safe condition the sidewalks adjoining their lots or lands and to impose penalties for failure to do so;

(34) Sewer fees. To levy a fee, charge, or sewer tax as necessary to assure the acquiring, constructing, equipping, operating, maintaining, and extending of a sewage disposal plant and sewage system and to levy on those to whom sewers and sewage systems are made available a sewer service fee, charge, or sewer tax for the availability or use of the sewers; to provide for the manner and method of collecting such service charges and for enforcing payment of the same; and to charge, impose, and collect a sewer connection fee or fees to those connected with the system;

(35) Solid waste disposal. To provide for the collection and disposal of garbage, rubbish, and refuse and to regulate the collection and disposal of garbage, rubbish, and refuse by others; and to provide for the separate collection of glass, tin, aluminum, cardboard, paper, and other recyclable materials and to provide for the sale of such items;

(36) Special areas of public regulation. To regulate or prohibit junk dealers, pawn shops, the manufacture, sale, or transportation of intoxicating liquors, and the use and sale of firearms; to regulate the transportation, storage, and use of combustible, explosive, and inflammable materials, the use of lighting and heating equipment, and any other business or situation which may be dangerous to persons or property; to regulate and control the conduct of peddlers and itinerant traders, theatrical performances, exhibitions, and shows

of any kind, by taxation or otherwise; and to license, tax, regulate, or prohibit professional fortune telling, palmistry, adult bookstores, and massage parlors;

(37) Special assessments. To levy and provide for the collection of special assessments to cover the costs of any public improvements;

(38) Taxes: ad valorem. To levy and provide for the assessment, valuation, revaluation, and collection of taxes on all property subject to taxation;

(39) Taxes: other. To levy and collect such other taxes as may be allowed now or in the future by law;

(40) Taxicabs. To regulate and license vehicles operated for hire in the town, to limit the number of such vehicles, to require the operators thereof to be licensed, to require public liability insurance on such vehicles in the amounts to be prescribed by ordinance, and to regulate the parking of such vehicles;

(41) Urban redevelopment. To organize and operate an urban redevelopment program; and

(42) Other powers. To exercise and enjoy all other powers, functions, rights, privileges, and immunities necessary or desirable to promote or protect the safety, health, peace, security, good order, comfort, convenience, or general welfare of the town and its inhabitants; to exercise all implied powers necessary or desirable to carry into execution all powers granted in this charter as fully and completely as if such powers were fully stated herein; to exercise all powers now or in the future authorized to be exercised by other municipal governments under other laws of the State of Georgia; and no listing of particular powers in this charter shall be held to be exclusive of others nor restrictive of general words and phrases granting powers but shall be held to be in addition to such powers unless expressly prohibited to municipalities under the Constitution or applicable laws of the State of Georgia;

#### **SECTION 1.14**

##### **Exercise of powers.**

All powers, functions, rights, privileges, and immunities of the town, its officers, agencies, or employees shall be carried into execution as provided by this charter. If this charter makes no provision, such shall be carried into execution as provided by ordinance or as provided by pertinent laws of the State of Georgia.

## ARTICLE II

## GOVERNMENT STRUCTURE

**SECTION 2.10.**

Town council creation; number; election.

The legislative authority of the government of this town, except as otherwise specifically provided in this charter, shall be vested in a town council to be composed of a mayor and councilmembers. The town council established shall in all respects be a successor to and continuation of the governing authority under prior law. The mayor and councilmembers shall be elected in the manner provided by general law and this charter.

**SECTION 2.11.**

Town council terms and qualifications for office.

The members of the town council shall serve for terms of two years and until their respective successors are elected and qualified. No person shall be eligible to serve as mayor or councilmember unless that person shall have been a resident of the town for 12 months prior to the date of election of mayor or members of the council; each shall continue to reside therein during that member's period of service and to be registered and qualified to vote in municipal elections of this town.

**SECTION 2.12.**

Vacancy; filling of vacancies.

(a) Vacancies – The office of mayor or councilmember shall become vacant upon the occurrence of any event specified by the Constitution of the State of Georgia, Title 45 of the Official Code of Georgia Annotated, or such other applicable laws as are or may hereafter be enacted.

(b) Filling of vacancies – A vacancy in the office of mayor or councilmember shall be filled for the remainder of the unexpired term, if any, by appointment if less than 12 months remain in the unexpired term, otherwise by an election as provided for in Section 5.14 of this charter and in accordance with Titles 21 and 45 of the Official Code of Georgia Annotated or such other laws as are or may hereafter be enacted.



**SECTION 2.13.**

## Compensation and expenses.

The mayor and councilmembers shall receive compensation and expenses for their services as provided by ordinance.

**SECTION 2.14.**

## Conflicts of interest; holding other office.

(a) Officers as trustess – Elected and appointed officers of the town are trustees and servants of the residents of the town and shall act in a fiduciary capacity for the benefit of such residents.

(b) Conflict of interest – No elected official, appointed officer or employee of the town or any agency or political entity to which this charter applies shall knowingly:

(1) Engage in any business or transaction or have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of that person's official duties or which would tend to impair the independence of the official's judgment or action in the performance of those official duties;

(2) Engage in or accept private employment or render services for private interests when such employment or service is incompatible with the proper discharge of that person's official duties or would tend to impair the independence of the official's judgment or action in the performance of those official duties;

(3) Disclose confidential information, including information obtained at meetings which are closed pursuant to Chapter 14 of Title 50 of the Official Code of Georgia Annotated, concerning the property, government, or affairs of the governmental body by which the official is engaged without proper legal authorization or use such information to advance the financial or other private interest of the official or others;

(4) Accept any valuable gift, whether in the form of service, loan, thing, or promise from any person, firm, or corporation which to the official's knowledge is interested, directly or indirectly, in any manner whatsoever in business dealings with the governmental body by which the official is engaged; provided, however, that an elected official who is a candidate for public office may accept campaign contributions and services in connection with any such campaign;

(5) Represent any other private interests in any action or proceeding against this town or any portion of its government; or

(6) Vote or otherwise participate in the negotiation or in the making of any contract with any business or entity in which the official has financial interests.

289 (c) Disclosure – Any elected official, appointed officer, or employee who shall have any  
290 financial interest, directly or indirectly, in any contract or matter pending before or within  
291 any department of the town shall disclose such interest to the town council. The mayor or  
292 any councilmember who has a financial interest in any matter pending before the town  
293 council shall disclose such interest and such disclosure shall be entered on the records of the  
294 town council and that official shall disqualify himself or herself from participating in any  
295 decision or vote relating thereto. Any elected official, appointed officer, or employee of any  
296 agency or political entity to which this charter applies who shall have any financial interest,  
297 directly or indirectly, in any contract or matter pending before or within such entity shall  
298 disclose such interest to the governing body of such agency or entity.

299 (d) Use of public property – No elected official, appointed officer, or employee of the town  
300 or any agency or entity to which this charter applies shall use property owned by such  
301 governmental entity for personal benefit, convenience, or profit, except in accordance with  
302 policies promulgated by the town council or the governing body of such agency or entity.

303 (e) Contracts voidable and rescindable – Any violation of this section which occurs with the  
304 knowledge, express or implied, of a party to a contract or sale shall render said contract or  
305 sale voidable at the option of the town council.

306 (f) Ineligibility of elected official – Except where authorized by law, neither the mayor nor  
307 any councilmember shall hold any other elective or compensated appointive office in the  
308 town or otherwise be employed by said government or any agency thereof during the term  
309 for which that official was elected. No former mayor and no former councilmember shall  
310 hold any compensated appointive office in the town until one year after the expiration of the  
311 term for which that official was elected.

312 (g) Political activities of certain officers and employees – No appointed officer of the town  
313 shall continue in such employment upon qualifying as a candidate for nomination or election  
314 to any public office. No employee of the town shall continue in such employment upon  
315 election to any public office in this town or any other public office which is inconsistent,  
316 incompatible, or in conflict with the duties of the town employee. Such determination shall  
317 be made by the mayor and town council either immediately upon election or at any time such  
318 conflict may arise.

319 (h) Penalties for violation –

320 (1) Any town officer or employee who knowingly conceals such financial interest or  
321 knowingly violates any of the requirements of this section shall be guilty of malfeasance  
322 in office or position and shall be deemed to have forfeited that person's office or position.

323 (2) Any officer or employee of the town who shall forfeit an office or position as  
324 described in paragraph (1) of this subsection shall be ineligible for appointment or

325 election or employment in a position in the town government for a period of three years  
326 thereafter.

327 **SECTION 2.15.**

328 Inquiries and investigations.

329 Following the adoption of an authorizing resolution, the town council may make inquiries  
330 and investigations into the affairs of the town and the conduct of any department, office, or  
331 agency thereof and for this purpose may subpoena witnesses, administer oaths, take  
332 testimony, and require the production of evidence. Any person who fails or refuses to obey  
333 a lawful order issued in the exercise of these powers by the town council shall be punished  
334 as provided by ordinance.

335 **SECTION 2.16.**

336 General power and authority of the town council.

337 The town council shall be vested with all the powers of government of this town except as  
338 otherwise provided by law or this charter.

339 **SECTION 2.17.**

340 Eminent domain.

341 The town council is hereby empowered to acquire, construct, operate, and maintain public  
342 ways, parks, public grounds, cemeteries, markets, market houses, public buildings, libraries,  
343 sewers, drains, sewage treatment, waterworks, electrical systems, gas systems, airports,  
344 hospitals, and charitable, educational, recreational, sport, curative, corrective, detention,  
345 penal, and medical institutions, agencies, and facilities and any other public improvements  
346 inside or outside the town; to regulate the use thereof and for such purposes, property may  
347 be condemned under procedures established under applicable general law or such other laws  
348 as may hereafter be enacted.

349 **SECTION 2.18.**

350 Organizational meetings.

351 The town council shall hold an organizational meeting on the first Monday in January  
352 following the municipal election. The meeting shall be called to order by the town clerk and  
353 the oath of office shall be administered to the newly elected members as follows:

"I, \_\_\_\_\_, do solemnly swear or affirm that I will properly perform the duties of the office of town councilmember in and for the Town of Sasser to the best of my knowledge, skill, and ability; that I am not the holder of any unaccounted for public money due to the State of Georgia or any political subdivision or authority thereof; that I am not the holder of any office of trust under the government of the United States, any other state, or any foreign state which I am by the laws of the State of Georgia prohibited from holding; that I am qualified to hold the office which I am about to enter according to the Constitution and laws of Georgia; that I will support the Constitution of the United States and the State of Georgia; and that I have been a resident of the Town of Sasser for the time required by the Constitution and laws of the State of Georgia and the charter of the Town of Sasser; so help me God.

\_\_\_\_\_  
(SIGNATURE)

Attested to and certified by:

\_\_\_\_\_  
( S E A L )

Town of Sasser

#### **SECTION 2.19.**

Regular and special meetings.

(a) The town council shall hold regular meetings at such times and places as shall be prescribed by ordinance.

(b) Special meetings of the town council may be held on call of the mayor or three members of the town council. Notice of such special meetings shall be served on all members personally or by telephone personally at least 48 hours in advance of the meeting. Such notice to councilmembers shall not be required if the mayor and all councilmembers are present when the special meeting is called. Such notice of any special meeting may be waived by a councilmember in writing before or after such a meeting, and attendance at the meeting shall constitute a waiver of notice on any business transacted in such councilmember's presence. Only the business stated in the call may be transacted at the special meeting.

(c) All meetings of the town council shall be public to the extent required by law, and notice to the public of special meetings shall be made fully as is reasonably possible as provided by Code Section 50-14-1 of the Official Code of Georgia Annotated or other such applicable laws as are or may hereafter be enacted.

**SECTION 2.20.**

Rules of procedure.

(a) The town council shall adopt its rules of procedure and order of business consistent with the provisions of this charter and shall provide for keeping a journal of its proceedings, which shall be a public record.

(b) All committees and committee chairs and officers of the town council shall be appointed by the mayor and shall serve at the pleasure of the mayor. The mayor shall have the power to appoint new members to any committee at any time.

**SECTION 2.21.**

Quorum; voting.

The mayor and two councilmembers or three councilmembers shall constitute a quorum and shall be authorized to transact business of the town council. Voting on the adoption of ordinances shall be by voice vote and the vote shall be recorded in the journal, but any member of the town council shall have the right to request a roll-call vote and such vote shall be recorded in the journal. Except as otherwise provided in this charter, the affirmative vote of a majority of councilmembers shall be required for the adoption of any ordinance, resolution, or motion. An abstention shall be counted as an affirmative vote.

**SECTION 2.22.**

Ordinance form; procedures.

(a) Every proposed ordinance should be introduced in writing and in the form required for final adoption. No ordinance shall contain a subject which is not expressed in its title. The enacting clause shall be "It is hereby ordained by the governing authority of the Town of Sasser..." and every ordinance shall so begin.

(b) An ordinance may be introduced by any councilmember and be read at a regular or special meeting of the town council. Ordinances shall be considered and adopted or rejected by the town council in accordance with the rules which it shall establish; provided, however, an ordinance shall not be adopted the same day it is introduced, except for emergency ordinances provided in Section 2.24 of this charter. Upon introduction of any ordinance, the town clerk shall, as soon as possible, distribute a copy to the mayor and to each councilmember and shall file a reasonable number of copies in the office of the town clerk and at such other public places as the town council may designate.

**SECTION 2.23.**

Action requiring an ordinance.

Acts of the town council which have the force and effect of law shall be enacted by ordinance.

**SECTION 2.24.**

Emergencies.

(a) To meet a public emergency affecting life, health, property, or public peace, the town council may convene on a call of the mayor or three councilmembers and promptly adopt an emergency ordinance, but such ordinance may not levy taxes; grant, renew, or extend a franchise; regulate the rate charged by any public utility for its services; or authorize the borrowing of money except for loans to be repaid within 30 days. An emergency ordinance shall be introduced in the form prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing the emergency in clear and specific terms. An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced, but the affirmative vote of at least three councilmembers shall be required for adoption. It shall become effective upon adoption or at such later time as it may specify. Every emergency ordinance shall automatically stand repealed 30 days following the date upon which it was adopted, but this shall not prevent reenactment of the ordinance in the manner specified in this section if the emergency still exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

(b) Such meetings shall be open to the public to the extent required by law, and notice to the public of emergency meetings shall be made as fully as is reasonably possible in accordance with Code Section 50-14-1 of the Official Code of Georgia Annotated or such other applicable laws as are or may hereafter be enacted.

**SECTION 2.25.**

Signing; authenticating; recording; codification; printing.

(a) The town clerk shall authenticate by the town clerk's signature and record in full in a properly indexed book kept for that purpose, or on the Internet, all ordinances adopted by the town council.

(b) The town council shall provide for the preparation of a general codification of all the ordinances of the town having the force and effect of law. The general codification shall be adopted by the town council by ordinance and shall be published promptly, together with all amendments thereto and such codes of technical regulations and other rules and regulations as the town council may specify. This compilation shall be known and cited officially as "The Code of the Town of Sasser, Georgia." Copies of the code shall be furnished to all officers, departments, and agencies of the town, made available for purchase by the public at a reasonable price as fixed by the town council, or supplied on the Internet.

(c) The town council shall cause each ordinance and each amendment to this charter to be printed promptly following its adoption, and the printed ordinances and charter amendments shall be made available for purchase by the public at reasonable prices to be fixed by the town council. Following publication of the first code under this charter and at all times thereafter, the ordinances and charter amendments shall be printed in substantially the same style as the code currently in effect and shall be suitable in form for incorporation therein. The town council shall make such further arrangements as deemed desirable for reproduction.

#### **SECTION 2.26.**

Election of mayor; forfeiture; compensation.

The mayor shall be elected and serve for a term of two years and until a successor is elected and qualified. The mayor shall be a qualified elector of this town and shall have been a resident of the town for 12 months prior to the election. The mayor shall continue to reside in this town during the period of service. The mayor shall forfeit the office on the same grounds and under the same procedure as for councilmembers. The compensation of the mayor shall be established in the same manner as for councilmembers.

#### **SECTION 2.27.**

Mayor pro tempore.

By a majority vote, the town council shall elect a councilmember to serve as mayor pro tempore. The mayor pro tempore shall assume the duties and powers of the mayor during the mayor's physical or mental disability or absence. Any such disability or absence shall be declared by a majority vote of the town council. The mayor pro tempore shall sign all contracts and ordinances in which the mayor has a disqualifying financial interest as provided in Section 2.14 of this charter.

**SECTION 2.28.**

Powers and duties of the mayor.

The mayor shall:

- (1) Preside at all meetings of the town council;
- (2) Be the head of the town for the purpose of service of process and for ceremonial purposes and be the official spokesperson for the town and the chief advocate of policy;
- (3) Have the power to administer oaths and to take affidavits;
- (4) Sign as a matter of course on behalf of the town all written and approved contracts, ordinances, and other instruments executed by the town which by law are required to be in writing;
- (5) Vote on matters before the town council and be counted toward a quorum as any other councilmember;
- (6) Prepare and submit to the town council a recommended annual operating budget and recommended capital budget; and
- (7) Fulfill such other executive and administrative duties as the town council shall by ordinance establish.

**ARTICLE III****ADMINISTRATIVE AFFAIRS****SECTION 3.10.**

Administrative and service departments.

- (a) Except as otherwise provided in this charter, the town council, by ordinance, shall prescribe the functions or duties and establish, abolish, alter, consolidate, or leave vacant all nonelective offices, positions of employment, departments, and agencies of the town as necessary for the proper administration of the affairs and government of this town.
- (b) Except as otherwise provided by this charter or by law, the directors of departments and other appointed officers of the town shall be appointed solely on the basis of their respective administrative and professional qualifications.
- (c) All appointed officers and directors of departments shall receive such compensation as prescribed by ordinance or resolution.
- (d) All appointed officers and directors under the supervision of the mayor shall be nominated by the mayor with confirmation of appointment by the town council. All appointed officers and directors shall be employees at will and subject to removal or suspension at any time by the mayor unless otherwise provided by law or ordinance.



**SECTION 3.11.****Boards, commissions, and authorities.**

(a) The town council shall create by ordinance such boards, commissions, and authorities to fulfill any investigative, quasi-judicial, or quasi-legislative function the town council deems necessary and shall by ordinance establish the compensation, period of existence, duties, and powers thereof.

(b) All members of boards, commissions, and authorities of the town shall be appointed by the town council for such terms of office and in such manner as shall be provided by ordinance, except where other appointing authority, terms of office, or manner of appointment is prescribed by this charter or by law.

(c) The town council, by ordinance, may provide for the compensation and reimbursement for actual and necessary expenses of the members of any board, commission, or authority.

(d) Except as otherwise provided by this charter or by law, no member of any board, commission or authority shall hold any elective office in the town.

(e) Any vacancy on a board, commission, or authority of the town shall be filled for the unexpired term in the manner prescribed in this charter for original appointment, except as otherwise provided by this charter or by law.

(f) No member of a board, commission, or authority shall assume office until that person has executed and filed with the clerk of the town an oath obligating that person to faithfully and impartially perform the duties of that member's office, such oath to be prescribed by ordinance and administered by the mayor.

(g) All board members serve at will and may be removed at any time by a vote of members of the town council unless otherwise provided by law.

(h) Except as otherwise provided by this charter or by law, each board, commission, or authority of the town shall elect one of its members as chairperson and one member as vice chairperson and may elect as its secretary one of its own members or may appoint as secretary an employee of the town. Each board, commission, or authority of the town government may establish such bylaws, rules, and regulations, not inconsistent with this charter, ordinances of the town, or law, as it deems appropriate and necessary for the fulfillment of its duties or the conduct of its affairs. Copies of such bylaws, rules, and regulations shall be filed with the clerk of the town.

545 **SECTION 3.12.**

546 Town attorney.

547 The town council shall appoint a town attorney, together with such assistant town attorney  
548 as may be authorized, and shall provide for the payment of such attorney or attorneys for  
549 services rendered to the town. The town attorney shall be responsible for providing for the  
550 representation and defense of the town in all litigation in which the town is a party; may be  
551 the prosecuting officer in the municipal court; shall attend the meetings of the town council  
552 as directed; shall advise the town council, mayor, and other officers and employees of the  
553 town concerning legal aspects of the town's affairs; and shall perform such other duties as  
554 may be required by virtue of the person's position as town attorney.

555 **SECTION 3.13.**

556 Town clerk

557 The town council shall appoint a town clerk who shall not be a councilmember. The town  
558 clerk shall be custodian of the official town seal and town records, maintain town council  
559 records required by this charter, and perform such other duties as may be required by the  
560 town council.

561 **SECTION 3.14.**

562 Personnel policies.

563 All employees serve at will and may be removed from office at any time unless otherwise  
564 provided by ordinance.

565 **ARTICLE IV**

566 **JUDICIAL BRANCH**

567 **SECTION 4.10.**

568 Creation; name.

569 There shall be a court known as the Municipal Court of the Town of Sasser.

**SECTION 4.11.**

Chief judge; associate judge.

(a) The municipal court shall be presided over by a chief judge and such part-time, full-time or standby judges as shall be provided by ordinance.

(b) No person shall be qualified or eligible to serve as a judge on the municipal court unless that person shall have attained the age of 21 years and shall possess all qualifications required by law. All judges shall be appointed by the town council and shall serve until a successor is appointed and qualified.

(c) Compensation of the judges shall be fixed by ordinance or resolution.

(d) Judges serve at will and may be removed from office at any time by the town council unless otherwise provided by ordinance.

(e) Before assuming office, each judge shall take an oath, given by the mayor, that the judge will honestly and faithfully discharge the duties of the office to the best of that person's ability and without fear, favor, or partiality. The oath shall be entered upon the minutes of the town council journal as required in Section 2.20 of this charter.

**SECTION 4.12.**

Convening.

The municipal court shall be convened at regular intervals as provided by ordinance or resolution.

**SECTION 4.13.**

Jurisdiction; powers.

(a) The municipal court shall try and punish violations of this charter, all town ordinances, and other such violations as provided by law.

(b) The municipal court shall have authority to punish those in its presence for contempt, provided that such punishment shall not exceed \$200.00 or ten days in jail.

(c) The municipal court may fix punishment for offenses within its jurisdiction not exceeding a fine of \$1,000.00 or imprisonment for 180 days or both or may fix punishment by fine, imprisonment, or alternative sentencing as now or hereafter provided by law.

(d) The municipal court shall have authority to establish a schedule of fees to defray the cost of operation and shall be entitled to reimbursement of the cost of meals, transportation, and caretaking of prisoners bound over to superior courts for violations of state law.

(e) The municipal court shall have authority to establish bail and recognizance to ensure the presence of those charged with violations before said court and shall have discretionary authority to accept cash or personal or real property as surety for the appearance of persons charged with violations. Whenever any person shall give bail for that person's appearance and shall fail to appear at the time fixed for trial, the bond shall be forfeited by the judge presiding at such time and an execution issued thereon by serving the defendant and the defendant's sureties with a rule nisi at least two days before a hearing on the rule nisi. In the event that cash or property is accepted in lieu of bond for security for the appearance of a defendant at trial and if such defendant fails to appear at the time and place fixed for trial, the cash so deposited shall be, on order of the judge, declared forfeited to the town or the property so deposited shall have a lien against it for the value forfeited, which lien shall be enforceable in the same manner and to the same extent as a lien for town property taxes.

(f) The municipal court shall have the same authority as superior courts to compel the production of evidence in the possession of any party; to enforce obedience to its orders, judgments, and sentences; and to administer such oaths as are necessary.

(g) The municipal court may compel the presence of all parties necessary to a proper disposal of each case by the issuance of summonses, subpoenas, and warrants which may be served as executed by any officer as authorized by this charter or by law.

(h) Each judge of the municipal court shall be authorized to issue warrants for the arrest of persons charged with offenses against any ordinance of the town, and each judge of the municipal court shall have the authority as a magistrate of the state to issue warrants for offenses against state laws committed within the town.

#### **SECTION 4.14.**

##### **Certiorari.**

The right of certiorari from the decision and judgment of the municipal court shall exist in all criminal cases and ordinance violation cases and such certiorari shall be obtained under the sanction of a judge of the Superior Court of Terrell County under the laws of the State of Georgia regulating the granting and issuance of writs of certiorari.

#### **SECTION 4.15.**

##### **Rules for court.**

With the approval of the town council, the judge shall have full power and authority to make reasonable rules and regulations necessary and proper to secure the efficient and successful administration of the municipal court; provided, however, that the town council may adopt

634 in part or in toto the rules and regulations applicable to municipal courts. The rules and  
635 regulations made or adopted shall be filed with the town clerk, shall be available for public  
636 inspection, and, upon request, a copy shall be furnished to all defendants in municipal court  
637 proceedings at least 48 hours prior to said proceedings.

638 **ARTICLE V**  
639 **ELECTIONS AND REMOVAL**  
640 **SECTION 5.10.**  
641 **Applicability of general law.**

642 All primaries and elections shall be held and conducted in accordance with Chapter 2 of Title  
643 21 of the Official Code of Georgia Annotated, the "Georgia Election Code" as now or  
644 hereafter amended.

645 **SECTION 5.11.**  
646 **Regular elections; time for holding.**

647 In even-numbered years on the Tuesday next following the first Monday in November, there  
648 shall be an election for the mayor and town council. The terms of office shall begin on  
649 January 1 following the November election at the organizational meeting provided in Section  
650 2.18 of this charter.

651 **SECTION 5.12.**  
652 **Nonpartisan elections.**

653 Political parties shall not conduct primaries for town offices and all names of candidates for  
654 town offices shall be listed without party designations.

655 **SECITON 5.13.**  
656 **Election by plurality.**

657 The person receiving the plurality of the votes cast for any town office shall be elected.

**SECTION 5.14.**

Special elections; vacancies.

In the event that the office of mayor or councilmember shall become vacant as provided in Section 2.12 of this charter, the town council or those remaining shall order a special election to fill the balance of the unexpired term of such official; provided, however, if election to such vacancy occurs within 12 months of the expiration of the term of that office, the town council, or those remaining, shall appoint a successor for the remainder of the term. In all other respects, the special election shall be held and conducted in accordance with Chapter 2 of Title 21 of the Official Code of Georgia Annotated, the "Georgia Election Code," as now or hereafter amended. Vacancies must be filled in accordance with the procedural requirements of subsection (b) of Code Section 45-5-1 of the Official Code of Georgia Annotated and special elections held in accordance with Chapter 2 of Title 21 of the Official Code of Georgia Annotated, the "Georgia Election Code."

**SECTION 5.15.**

Other provisions.

Except as otherwise provided by this charter, the town council shall, by ordinance, prescribe such rules and regulations it deems appropriate to fulfill any options and duties under the Georgia Election Code.

**SECITON 5.16.**

Removal of officers.

(a) The mayor, councilmembers, or other appointed officers provided for in this charter shall be removed from office for any one or more of the causes provided in Title 45 of the Official Code of Georgia Annotated or such other applicable laws as are or may hereafter be enacted.

(b) Removal of an officer pursuant to subsection (a) of this section shall be accomplished by one of the following methods:

- (1) Following a hearing at which an impartial panel shall render a decision. In the event an elected official is sought to be removed by the action of the town council, such officer shall be entitled to a written notice specifying the ground or grounds for removal and to a public hearing which shall be held not less than ten days after the service of such written notice. The town council shall provide by ordinance for the manner in which such hearings shall be held. Any elected officer sought to be removed from office as provided in this section shall have the right of appeal from the decision of the town

690 council to the Superior Court of Terrell County. Such appeal shall be governed by the  
691 same rules as govern appeals to the superior court from the probate court; or  
692 (2) By an order of the Superior Court of Terrell County following a hearing on a  
693 complaint seeking such removal brought by any resident of the Town of Sasser.

694 ARTICLE VI  
695 FINANCE  
696 **SECTION 6.10.**  
697 Property tax.

698 The town council may assess, levy, and collect an ad valorem tax on all real and personal  
699 property within the corporate limits of the town that is subject to such taxation by the state  
700 and county. This tax is for the purpose of raising revenues to defray the costs of operating  
701 the town government, of providing governmental services, for the repayment of principal and  
702 interest on general obligations, and for any other public purpose as determined by the town  
703 council in its discretion.

704 **SECTION 6.11.**  
705 Millage rate; due dates; payment methods.

706 The town council, by ordinance, shall establish a millage rate for the town property tax, a due  
707 date, and the time period within which these taxes must be paid. The town council, by  
708 ordinance, may provide for the payment of these taxes by installments or in one lump sum,  
709 as well as authorize the voluntary payment of taxes prior to the time when due.

710 **SECTION 6.12.**  
711 Occupation and business taxes.

712 The town council by ordinance shall have the power to require businesses or practitioners  
713 doing business within this town to obtain a permit for such activity from the town and pay  
714 a reasonable regulatory fee for such permit as provided by general law. Such fees shall  
715 reflect the total cost to the town of regulating the activity and, if unpaid, shall be collected  
716 as provided in Section 6.17 of this charter.

**SECTION 6.13.**

## Franchises.

(a) The town council shall have the power to grant franchises for the use of this town's streets and alleys for the purposes of railroads, street railways, telephone companies, electric companies, electric membership corporations, cable television and other telecommunications companies, gas companies, transportation companies, and other similar organizations. The town council shall determine the duration, terms, whether the same shall be exclusive or nonexclusive, and the consideration for such franchises; provided, however, no franchise shall be granted for a period in excess of 35 years and no franchise shall be granted unless the town receives just and adequate compensation therefor. The town council shall provide for the registration of all franchises with the town clerk in a registration book kept by the town clerk. The town council may provide by ordinance for the registration within a reasonable time of all franchises previously granted.

(b) If no franchise agreement is in effect, the town council has the authority to impose a tax on gross receipts for the use of this town's streets and alleys for the purposes of railroads, street railways, telephone companies, electric companies, electric membership corporations, cable television and other telecommunications companies, gas companies, transportation companies, and other similar organizations.

**SECTION 6.14.**

## Service charges.

The town council by ordinance shall have the power to assess and collect fees, charges, and tolls for sewers, sanitary and health services, or any other services provided or made available within and without the corporate limits of the town for the total cost to the town of providing or making available such services. If unpaid, such charges shall be collected as provided in Section 6.17 of this charter.

**SECTION 6.15.**

## Special assessments.

The town council by ordinance shall have the power to assess and collect the cost of constructing, reconstructing, widening, or improving any public way, street, sidewalk, curbing, gutters, sewers, or other utility mains and appurtenances from the abutting property owners under such terms and conditions as are reasonable. If unpaid, such charges shall be collected as provided in Section 6.17 of this charter.



749 **SECTION 6.16.**

750 Construction; other taxes and fees.

751 This town shall be empowered to levy any other tax or fee allowed now or hereafter by law,  
752 and the specific mention of any right, power, or authority in this article shall not be construed  
753 as limiting in any way the general powers of this town to govern its local affairs.

754 **SECTION 6.17.**

755 Collection of delinquent taxes and fees.

756 The town council, by ordinance, may provide generally for the collection of delinquent taxes,  
757 fees, or other revenue due the town under Sections 6.10 through 6.16 of this charter by  
758 whatever reasonable means as are not precluded by law. This shall include providing for the  
759 dates when the taxes or fees are due; late penalties or interest; issuance and execution of  
760 fi.fas.; creation and priority of liens; making delinquent taxes and fees personal debts of the  
761 persons required to pay the taxes or fees imposed; revoking town permits for failure to pay  
762 any town taxes or fees; and providing for the assignment or transfer of tax executions.

763 **SECTION 6.18.**

764 General obligation bonds.

765 The town council shall have the power to issue bonds for the purpose of raising revenue to  
766 carry out any project, program, or venture authorized under this charter or the laws of the  
767 state. Such bonding authority shall be exercised in accordance with the laws governing bond  
768 issuance by municipalities in effect at the time said issue is undertaken.

769 **SECTION 6.19.**

770 Revenue bonds.

771 Revenue bonds may be issued by the town council as state law now or hereafter provides.  
772 Such bonds are to be paid out of any revenue produced by the project, program, or venture  
773 for which they were issued.

774 **SECTION 6.20.**

775 Short-term loans.

776 The town may obtain short-term loans and must repay such loans not later than December  
777 31 of each year, unless otherwise provided by law.

778 **SECTION 6.21.**

779 Lease-purchase contracts.

780 The town may enter into multiyear leases, purchase, or lease-purchase contracts for the  
781 acquisition of goods, materials, real and personal property, services, and supplies provided  
782 the contract terminates without further obligation on the part of the municipality at the close  
783 of the calendar year in which it was executed and at the close of each succeeding calendar  
784 year for which it may be renewed. Contracts must be executed in accordance with the  
785 requirements of Code Section 36-60-13 of the Official Code of Georgia Annotated or other  
786 such applicable laws as are or may hereafter be enacted.

787 **SECTION 6.22.**

788 Fiscal year.

789 The town council shall set the fiscal year by ordinance. This fiscal year shall constitute the  
790 budget year and the year for financial accounting and reporting of each and every office,  
791 department, agency, and activity of the town government.

792 **SECTION 6.23.**

793 Preparation of budgets.

794 The town council shall provide an ordinance on the procedures and requirements for the  
795 preparation and execution of an annual operating budget, a capital improvement plan, and  
796 a capital budget including requirements as to the scope, content, and form of such budgets  
797 and plans.

798 **SECTION 6.24.**

799 Submission of operating budget to town council.

800 On or before a date fixed by the town council but not later than 60 days prior to the  
801 beginning of each fiscal year, the mayor shall submit to the town council a proposed

operating budget for the ensuing fiscal year. The budget shall be accompanied by a message from the mayor containing a statement of the general fiscal policies of the town, the next fiscal year, a general summary of the budget, and such other pertinent comments and information. The operating budget and the capital budget provided for in Section 6.28 of this charter, the budget message, and all supporting documents shall be filed in the office of the town clerk and shall be open to public inspection.

#### **SECITON 6.25.**

##### **Action by town council on budget.**

(a) The town council may amend the operating budget proposed by the mayor except that the budget as finally amended and adopted must provide for all expenditures required by state law or by other provisions of this charter and for all debt service requirements for the ensuing fiscal year. The total appropriations from any fund shall not exceed the estimated fund balance, reserves, and revenues.

(b) The town council shall adopt the final operating budget for the ensuing year not later than December 20 of each year. If the town council fails to adopt the budget by this date, the amounts appropriated for operation for the current fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis with all items prorated accordingly until such time as the town council adopts a budget for the ensuing fiscal year. Adoption of the budget shall take the form of an appropriations ordinance setting out the estimated revenues in detail by sources and making appropriations according to fund and by organizational unit, purpose, or activity as set out in the budget preparation ordinance adopted pursuant to Section 6.23 of this charter.

(c) The amount set out in the adopted operating budget for each organizational unit shall constitute the annual appropriation for such, and no expenditure shall be made or encumbrance created in excess of the otherwise unencumbered balance of the appropriations or allotment thereof to which it is chargeable.

#### **SECTION 6.26.**

##### **Tax levies.**

The town council shall levy by ordinance such taxes as are necessary. The taxes and tax rates set by such ordinance shall be such that reasonable estimates of revenues from such levy shall at least be sufficient, together with other anticipated revenues, fund balances, and applicable reserves, to equal the total amount appropriated for each of the several funds set

834 forth in the annual operating budget for defraying the expenses of the general government  
835 of this town.

836 **SECTION 6.27.**

837 Changes in appropriations.

838 The town council by ordinance may make changes in the appropriations contained in the  
839 current operating budget at any regular, special, or emergency meeting called for such  
840 purpose, but any additional appropriations may be made only from an existing unexpended  
841 surplus.

842 **SECTION 6.28.**

843 Capital budget.

844 (a) On or before the date fixed by the town council but no later than 60 days prior to the  
845 beginning of each fiscal year, the mayor shall submit to the town council a proposed capital  
846 improvements plan with a recommended capital budget containing the means of financing  
847 the improvements proposed for the ensuing fiscal year. The town council shall have power  
848 to accept, with or without amendments, or reject the proposed plan and proposed budget.  
849 The town council shall not authorize an expenditure for the construction of any building,  
850 structure, work, or improvement unless the appropriations for such project are included in  
851 the capital budget except to meet a public emergency as provided in Section 2.24 of this  
852 charter.

853 (b) The town council shall adopt by ordinance the final capital budget for the ensuing fiscal  
854 year not later than December 20 of each year. No appropriation provided for in a prior  
855 capital budget shall lapse until the purpose for which the appropriation was made shall have  
856 been accomplished or abandoned; provided, however, the mayor may submit amendments  
857 to the capital budget at any time during the fiscal year accompanied by recommendations.  
858 Any such amendments to the capital budget shall become effective only upon adoption by  
859 ordinance or resolution.

860 **SECTION 6.29.**

861 Independent audit.

862 There shall be an annual independent audit of all town accounts, funds, and financial  
863 transactions by a certified public accountant selected by the town council. The audit shall  
864 be conducted according to generally accepted auditing principles. Any audit of any funds

865 by the state or federal governments may be accepted as satisfying the requirements of this  
866 charter. Copies of annual audit reports shall be available at printing costs to the public.

867 **SECTION 6.30.**

868 Contracting procedures.

869 No contract with the town shall be binding on the town unless:

870 (1) It is in writing;

871 (2) It is drawn by or submitted and reviewed by the town attorney and as a matter of  
872 course is signed by the town attorney to indicate such drafting or review; and

873 (3) It is made or authorized by the town council and such approval is entered in the town  
874 council journal of proceedings pursuant to Section 2.21 of this charter.

875 **SECTION 6.31.**

876 Centralized purchasing.

877 The town council shall by ordinance prescribe procedures for a system of centralized  
878 purchasing for the town.

879 **SECTION 6.32.**

880 Sale and lease of town property.

881 (a) The town council may sell and convey or lease any real or personal property owned or  
882 held by the town for governmental or other purposes as now or hereafter provided by law.

883 (b) The town council may quitclaim any rights it may have in property not needed for public  
884 purposes upon report by the mayor and adoption of a resolution, both finding that the  
885 property is not needed for public or other purposes and that the interest of the town has no  
886 readily ascertainable monetary value.

887 (c) Whenever in opening, extending, or widening any street, avenue, alley, or public place  
888 of the town a small parcel of land is cut off or separated by such work from a larger tract or  
889 boundary of land owned by the town, the town council may authorize the mayor to sell and  
890 convey said cut-off or separated parcel or tract of land to an abutting or adjoining property  
891 owner or owners where such sale and conveyance facilitates the enjoyment of the highest and  
892 best use of the abutting owner's property. Included in the sales contract shall be a provision  
893 for the rights of way of said street, avenue, alley, or public place. Each abutting property  
894 owner shall be notified of the availability of the property and given the opportunity to  
895 purchase said property under such terms and conditions as set out by ordinance. All deeds

896 and conveyances heretofore and hereafter so executed and delivered shall convey all title and  
897 interest the town has in such property notwithstanding the fact that no public sale after  
898 advertisement was or is hereafter made.

899 ARTICLE VII  
900 GENERAL PROVISIONS

901 SECTION 7.10.

902 Bonds for officials.

903 The officers and employees of this town, both elected and appointed, shall execute such  
904 surety or fidelity bonds in such amounts and upon such terms and conditions as the town  
905 council shall from time to time require by ordinance or as may be provided by law.

906 SECTION 7.11.

907 Prior ordinances.

908 All ordinances, resolutions, rules, and regulations now in force in the town not inconsistent  
909 with this charter are hereby declared valid and of full effect and force until amended or  
910 repealed by the town council.

911 SECTION 7.12.

912 Existing personnel and officers.

913 Except as specifically provided otherwise by this charter, all personnel and officers of the  
914 town and their rights, privileges, and powers shall continue beyond the time this charter takes  
915 effect for a period of 60 days before or during which the existing town council shall pass a  
916 transition ordinance detailing the changes in personnel and appointed officers required or  
917 desired and arranging such titles, rights, privileges, and powers as may be required or desired  
918 to allow a reasonable transition.

919 SECTION 7.13.

920 Pending matters.

921 Except as specifically provided otherwise by this charter, all rights, claims, actions, orders,  
922 contracts, and legal or administrative proceedings shall continue and any such ongoing work  
923 or cases shall be completed by such town agencies, personnel, or officers as may be provided  
924 by the town council.

925 **SECTION 7.14.**

926 Construction

927 (a) Section captions in this charter are informative only and are not to be considered a part  
928 thereof.

929 (b) The word "shall" is mandatory and the word "may" is permissive.

930 (c) The singular shall include the plural, the masculine shall include the feminine, and vice  
931 versa.

932 **SECTION 7.15.**

933 Severability.

934 If any article, section, subsection, paragraph, sentence, or part thereof of this charter shall be  
935 held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect  
936 or impair other parts of this charter unless it clearly appears that such other parts are wholly  
937 and necessarily dependent upon the part held to be invalid or unconstitutional. It is the  
938 legislative intent in enacting this charter that each article, section, subsection, paragraph,  
939 sentence, or part thereof be enacted separately and independent of each other.

940 **ARTICLE VIII**

941 **MISCELLANEOUS**

942 **SECTION 8.10.**

943 Real estate requirements.

944 (a) To require real estate owners to repair and maintain in a safe condition the sidewalks  
945 adjoining their lots or lands, a real estate owner shall be liable for any injury or damage  
946 sustained by reason of a defective sidewalk adjoining the owner's lot or land. The town shall  
947 not be liable for any such injury or damage if a town officer or employee authorized to do  
948 so by the town council at least ten days prior to occurrence of the injury or damage served  
949 the owner with personal notice or sent a notice by ordinary mail to the owner of record that  
950 the sidewalk should be repaired and placed in a safe condition. Requirements of property  
951 owners are not limited to this section but shall apply to all areas the town may deem  
952 necessary by ordinance for the safety, well-being, and overall aesthetic effect of the town.

953 (b) No actions shall be maintained against the town for damages unless a written statement  
954 by the claimant or the claimant's agent, attorney, or representative setting forth the basis for  
955 the claim shall have been filed with the mayor within 60 days after such cause of action shall  
956 have occurred, except that when the claimant is an infant or non compos mentis or an injured

957 person who dies within 60 days, the time limit for filing a claim shall be 120 days. No  
958 officer or employee of the town shall waive this requirement.

959 **SECTION 8.11.**

960 Repealer.

961 An Act incorporating the Town of Sasser in the County of Terrell approved March 22, 1974  
962 (Ga. L. 1974, p. 2895) is hereby repealed in its entirety and all amendatory acts thereto are  
963 likewise repealed in their entirety. All other laws and parts of laws in conflict with this Act  
964 are hereby repealed.